

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3561-02
Bill No.: Perfected SB 779
Subject: Criminal Procedure; Law Enforcement Officers and Agencies; Courts; Highway Patrol; Fees
Type: Original
Date: February 23, 2010

Bill Summary: The proposal modifies provisions relating to the DNA profiling system.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	(\$1,400,000)	(\$1,400,000)	(\$1,400,000)
Total Estimated Net Effect on General Revenue Fund	(\$1,400,000)	(\$1,400,000)	(\$1,400,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
DNA Profiling Analysis	\$1,400,000	\$1,400,000	\$1,400,000
Total Estimated Net Effect on <u>Other</u> State Funds	\$1,400,000	\$1,400,000	\$1,400,000

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections** and the **Boone County Sheriff's Department** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Public Safety – Missouri State Highway Patrol**, Crime Laboratory Division state that at the beginning of the 2010 fiscal year, all the funding intended for the DNA profiling fund was redirected to general revenue. Since July 1, 2009, approximately \$700,000 of the DNA funding has been redirected to general revenue. If this proposal is enacted, the court fees received will be deposited in the DNA Profiling Analysis Fund to restore the funding stream. Annualized, there would be \$1,400,000 deposited in the DNA Profiling Analysis Fund, which is currently redirected to general revenue. This funding originates from court fees assessed on individuals convicted of a felony or misdemeanor.

The MO UCR statistics calculated approximately 1,700 arrests for robbery in 2009. The proposed statute requires collection of DNA samples from any felony arrest involving 1st or 2nd degree robbery. However, the Highway Patrol believes the costs associated with collecting these samples will be minimal and can be absorbed.

Officials from the Buchanan County Sheriff's Department, Clark County Sheriff's Department, Jackson County Sheriff's Department, Platte County Sheriff's Department, St. Louis County Police Department, and the St. Louis County Sheriff's Department did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
GENERAL REVENUE FUND			
<u>Losses</u> – Missouri State Highway Patrol			
Court fees	<u>(\$1,400,000)</u>	<u>(\$1,400,000)</u>	<u>(\$1,400,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$1,400,000)</u>	<u>(\$1,400,000)</u>	<u>(\$1,400,000)</u>
 DNA PROFILING ANALYSIS FUND			
<u>Revenues</u> – Missouri State Highway Patrol			
Court fees	<u>\$1,400,000</u>	<u>\$1,400,000</u>	<u>\$1,400,000</u>
ESTIMATED NET EFFECT ON DNA ANALYSIS PROFILING FUND	<u>\$1,400,000</u>	<u>\$1,400,000</u>	<u>\$1,400,000</u>
 <u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation modifies provisions relating to the DNA Profiling System:

1. Currently, funds collected from a certain court surcharge are deposited into the DNA Profiling Analysis Fund; however, if during the previous fiscal year, the state's general revenue did not increase by 2% or more, the state treasurer shall deposit such money into the state general revenue fund. Under this section, the money from the court surcharge would be deposited into the DNA Profiling Analysis Fund regardless of the state's general revenue from the previous year. The section also specifies that money from the fund shall only be used by the Highway Patrol. (§ 488.5050)
2. Adults arrested for any sexual offense under Chapter 566, rather than only those arrested of a felony offense under such chapter, would be required to be DNA tested. Persons arrested for robbery shall also be DNA tested. Sexual offenders, who are currently required to be DNA tested must do so at the time of registration.

A person received from any agency of another state must submit to DNA testing if he or she committed a felony in any other jurisdiction, rather than an "equivalent" offense for which one must submit to testing in this state.

Currently, the Highway Patrol is required to expunge DNA records upon receiving a court order. The proposal specifies that the patrol is responsible for all records in the state DNA database. Prior to expunging a record, the Highway Patrol must determine if the person has other qualifying arrests or offenses that would require a DNA sample to be taken. The highway patrol would have 30 days to determine whether the sample should be expunged.

Currently, when a person has been DNA tested and the charges are later withdrawn, the case dismissed, a finding of no probable cause is made by the court, or the defendant is found not guilty, the highway patrol shall have 30 days from the date of notice to expunge the DNA sample record. This act requires expungement within 90 days. (§ 650.055)

3. The statute of limitations would not run during any period of time after a DNA profile is developed and reported from evidence collected until the time when the accused is identified by name based upon a DNA match. (§ 556.036 – SA 2)

The proposal contains an emergency clause for Section 488.5050, and the repeal and reenactment of this section shall be in full force and effect upon its passage and approval.

FISCAL DESCRIPTION (continued)

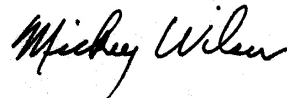
This legislation is not federally mandated, would not duplicate any other program, and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Department of Public Safety
 – Missouri State Highway Patrol
 – Director's Office
Boone County Sheriff's Department

NOT RESPONDING

Buchanan County Sheriff's Department
Clark County Sheriff's Department
Jackson County Sheriff's Department
Platte County Sheriff's Department
St. Louis County Police Department
St. Louis County Sheriff's Department



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Director
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